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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,797	01/18/2002	Mark C. Myrhum	67175523.001101	4271
23562 7590 02/14/2007 BAKER & MCKENZIE LLP PATENT DEPARTMENT 2001 ROSS AVENUE SUITE 2300 DALLAS, TX 75201			EXAMINER BLAU, STEPHEN LUTHER	
			ART UNIT 3711	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/14/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/053,797

Applicant(s)

MYRHUM ET AL.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-93 is/are pending in the application.
- 4a) Of the above claim(s) 21-73 and 85-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/23/06, 6/21/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 74-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Ryan, and McCabe.

Vincent discloses a head having a crown (Fig. 11) fitting configured to receive an insert (Fig. 25) and a sole plate (Fig. 12) fitting configured to receive an insert (Fig. 25) producing a desired center of gravity.

Vincent lacks a club having a plurality of possible centers of gravity, crown and sole weight inserts with each insert comprising a weight configured to move the center of gravity vertically either up or down without effecting the overall weight of a head, and to have crown or sole weights being lighter, heavier, or medium.

Ryan discloses a club having a plurality of possible centers of gravity (Figs. 10-11), heel and toe weight inserts with each insert comprising a weight configured to move the center of gravity without effecting the overall weight of a head in the form of placing either the heavy weights on one side of the head and light weights on the other side of the head (Figs. 10-11), and heel or toe weights being lighter, heavier, or medium

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(Figs. 10, 11 and 13) in order to be able to move the center of gravity (Abstract).

McCabe discloses first setting the overall weight of a head and then adjust the vertical weight of a head in order to set the desired center of gravity location (Col. 5, Lns. 20-32). In view of the patents of Ryan and McCabe it would have been obvious to modify the club of Vincent to have a club having a plurality of possible centers of gravity and crown and sole weight inserts with each insert comprising a weight configured to move the center of gravity vertically either up or down without effecting the overall weight of a head and crown or sole weights being lighter, heavier, or medium in order to have a club which a player is able to select the desired center of gravity location in the vertical direction but still maintain an overall weight of a head.

3. Claims 81-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Ryan, and McCabe as applied to claims 74-80 above, and further in view of Wood.

Vincent lacks a bore sized to receive a hosel fitting affixed to an end of a shaft, a bore oriented so a shaft will have a proper orientation to a head, a fastener in an aperture fastening a shaft to a head, and a sole plate being recessed around an aperture so a fastener does not extend beyond the sole plate.

Wood discloses a bore sized to receive a hosel fitting affixed to an end of a shaft, a bore oriented so a shaft will have a proper orientation to a head, a fastener in an aperture fastening a shaft to a head, and a sole being recessed around an aperture so a fastener does not extend beyond the sole (Fig. 2) in order to have an adjustable lie (Col.

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2, Lns. 13-25). In view of the patent of Wood it would have been obvious to modify the head of Vincent to have a bore sized to receive a hosel fitting affixed to an end of a shaft, a bore oriented so a shaft will have a proper orientation to a head, a fastener in an aperture fastening a shaft to a head, and a sole plate being recessed around an aperture so a fastener does not extend beyond the sole plate in order to have adjustable lie woods.

4. Claims 74-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Sahm, and McCabe.

Vincent discloses a head having a crown (Fig. 11) fitting configured to receive an insert (Fig. 25) and a sole plate (Fig. 12) fitting configured to receive an insert (Fig. 25) producing a desired center of gravity.

Vincent lacks a club having a plurality of possible centers of gravity, crown and sole weight inserts with each insert comprising a weight configured to move the center of gravity vertically either up or down without effecting the overall weight of a head, and to have crown or sole weights being lighter, heavier, or medium.

Sahm discloses a club having a plurality of possible centers of gravity, heel and toe weight inserts with each insert comprising a weight configured to move the center of gravity without effecting the overall weight of a head (Col. 5, Lns. 5-10, B,A,A and A,A,B configurations, Col. 7, Lns. 1-20) and weights being lighter, heavier, or medium (Col. 4, Lns. 34-36, 51-52) in order to change the mass distribution of a head (Col. 5, Lns. 1-4).

McCabe discloses first setting the overall weight of a head and than adjust the vertical

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weight of a head in order to set the desired center of gravity location (Col. 5, Lns. 20-32). In view of the patents of Sahm and McCabe it would have been obvious to modify the club of Vincent to have a club having a plurality of possible centers of gravity and crown and sole weight inserts with each insert comprising a weight configured to move the center of gravity vertically either up or down without effecting the overall weight of a head and crown or sole weights being lighter, heavier, or medium in order to have a club which a player is able to select the desired center of gravity location in the vertical direction but still maintain an overall weight of a head.

5. Claims 81-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Sahm, and McCabe as applied to claims 74-80 above, and further in view of Wood.

Vincent lacks a bore sized to receive a hosel fitting affixed to an end of a shaft, a bore oriented so a shaft will have a proper orientation to a head, a fastener in an aperture fastening a shaft to a head, and a sole plate being recessed around an aperture so a fastener does not extend beyond the sole plate.

Wood discloses a bore sized to receive a hosel fitting affixed to an end of a shaft, a bore oriented so a shaft will have a proper orientation to a head, a fastener in an aperture fastening a shaft to a head, and a sole being recessed around an aperture so a fastener does not extend beyond the sole (Fig. 2) in order to have an adjustable lie (Col. 2, Lns. 13-25). In view of the patent of Wood it would have been obvious to modify the head of Vincent to have a bore sized to receive a hosel fitting affixed to an end of a

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shaft, a bore oriented so a shaft will have a proper orientation to a head, a fastener in an aperture fastening a shaft to a head, and a sole plate being recessed around an aperture so a fastener does not extend beyond the sole plate in order to have adjustable lie woods.

Response to Arguments

6. The argument that it is improper to use the reference of Ryan since Ryan does not disclose moving the center of gravity vertically without changing the overall weight is disagreed with. Ryan was not used to show that it is known to move the center of gravity vertically without changing the overall weight of a head but the reference of McCabe was used to show this teaching. Ryan was used to show that it is known to use different weight inserts with each insert comprising a weight configured to move the center of gravity without effecting the overall weight of a head, and to have weight inserts being lighter, heavier, or medium in weight. The argument that it is improper to use the reference of McCabe due to McCabe's primary purpose is to change the swing weight is disagreed with. Once McCabe fixes the swing weight McCabe discloses the teaching of moving the center of gravity vertically without effecting the overall weight of a head. Clearly that teaching is able to be used with the head of Vincent which utilizes crown and sole weight inserts which will effect the center of gravity of the head depending on what crown and sole inserts are selected. Clearly the same reasons McCabe would want to fix the swing weight are motivations to fix the swing weight of

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Vincent. The argument that it is improper to use the reference of Sahm since Sahm does not disclose moving the center of gravity vertically without changing the overall weight is disagreed with. Sahm was not used to show that it is known to move the center of gravity vertically without changing the overall weight of a head but the reference of McCabe was used to show this teaching. Sahm was used to show that it is known to use different weight inserts with each insert comprising a weight configured to move the center of gravity without effecting the overall weight of a head, and to have weight inserts being lighter, heavier, or medium in weight.

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Slb/ 9 February 2007


STEPHEN BLAU
PRIMARY EXAMINER